

SENATE BILL 361

R4

11r2241
CF HB 1185

By: **Senators Raskin and Ramirez**

Introduced and read first time: February 3, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Provisional Driver’s Licenses – Driver Education**
3 **Requirements**

4 FOR the purpose of reducing the period of time that certain individuals at least a
5 certain age who hold a learner’s instructional permit are required to wait before
6 taking certain examinations for a provisional driver’s license; establishing that
7 certain driving practice requirements and a requirement to complete a certain
8 driver skills log book before taking certain examinations for a provisional
9 driver’s license do not apply to an individual at least a certain age; ~~authorizing~~
10 ~~individuals at least a certain age to complete certain driver education~~
11 ~~requirements through a certain Internet program; requiring the Motor Vehicle~~
12 ~~Administration to adopt regulations establishing curriculum, equipment, and~~
13 ~~standards for a certain Internet driver education program; and generally~~
14 relating to driver education requirements for obtaining a provisional driver’s
15 license.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–105(d), and 16–111(b), ~~and 16–505~~
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Transportation**

2 16–105.

3 (d) (1) This subsection applies to an individual who:

4 (i) Seeks to obtain an original driver’s license under this
5 subtitle; and6 (ii) Does not qualify for a learner’s instructional permit under
7 subsection (e) of this section.8 (2) An individual **UNDER THE AGE OF ~~18~~ 21 YEARS** who holds a
9 learner’s instructional permit may not take a driver skills examination or driver road
10 examination for a provisional license:

11 (i) Sooner than 9 months following the later of:

12 1. The date that the individual first obtains the learner’s
13 instructional permit; or14 2. The date the individual was convicted of, or granted
15 probation before judgment under § 6–220 of the Criminal Procedure Article for, a
16 moving violation;

17 (ii) Until after successful completion of:

18 1. The driver education program approved under
19 Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at
20 least 6 hours of highway driving instruction; and21 2. At least 60 hours, 10 hours of which must occur
22 during the period beginning 30 minutes before sunset and ending 30 minutes after
23 sunrise, of behind–the–wheel driving practice supervised by an individual who:

24 A. Holds a valid driver’s license;

25 B. Is at least 21 years old; and

26 C. Has been licensed to drive for at least 3 years; and

27 (iii) Unless the individual submits, in accordance with the
28 Administration’s regulations, a completed skills log book signed by:29 1. Each supervising driver who certifies that the
30 individual has satisfactorily demonstrated a required skill and has completed the
31 driving practice requirements of item (ii)2 of this paragraph; and

1 2. If a signature of a parent, guardian, or other person is
2 required under § 16–107 of this subtitle, the parent, guardian, or other person who
3 signs the individual’s application under that section.

4 **(3) AN INDIVIDUAL AT LEAST ~~18~~ 21 YEARS OLD WHO HOLDS A**
5 **LEARNER’S INSTRUCTIONAL PERMIT AND HAS NOT BEEN CONVICTED OF, OR**
6 **GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION MAY NOT**
7 **TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A**
8 **PROVISIONAL LICENSE:**

9 **(I) SOONER THAN 45 DAYS FOLLOWING THE DATE THAT**
10 **THE INDIVIDUAL FIRST OBTAINS THE LEARNER’S INSTRUCTIONAL PERMIT; AND**

11 **(II) UNTIL AFTER SUCCESSFUL COMPLETION OF A**
12 **STANDARD ~~OR AN INTERNET~~ DRIVER EDUCATION PROGRAM APPROVED UNDER**
13 **SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT LEAST 30 HOURS OF CLASSROOM**
14 **~~OR INTERNET~~ INSTRUCTION AND AT LEAST 6 HOURS OF HIGHWAY DRIVING**
15 **INSTRUCTION.**

16 **(4) AN INDIVIDUAL AT LEAST ~~18~~ 21 YEARS OLD WHO HOLDS A**
17 **LEARNER’S INSTRUCTIONAL PERMIT AND HAS BEEN CONVICTED OF, OR**
18 **GRANTED PROBATION BEFORE JUDGMENT FOR, AT LEAST ONE MOVING**
19 **VIOLATION MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD**
20 **EXAMINATION FOR A PROVISIONAL LICENSE:**

21 **(I) SOONER THAN 9 MONTHS FOLLOWING THE MOST**
22 **RECENT DATE THE INDIVIDUAL WAS CONVICTED OF, OR GRANTED PROBATION**
23 **BEFORE JUDGMENT FOR, A MOVING VIOLATION; AND**

24 **(II) UNTIL AFTER SUCCESSFUL COMPLETION OF A**
25 **STANDARD ~~OR AN INTERNET~~ DRIVER EDUCATION PROGRAM APPROVED UNDER**
26 **SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT LEAST 30 HOURS OF CLASSROOM**
27 **~~OR INTERNET~~ INSTRUCTION AND AT LEAST 6 HOURS OF HIGHWAY DRIVING**
28 **INSTRUCTION.**

29 **[3] (5)** A learner’s instructional permit issued to an individual
30 described in paragraph (1) of this subsection expires 2 years after the date of issuance.

31 16–111.

32 (b) An applicant is entitled to receive a provisional license if the applicant:

33 (1) Meets the minimum age required under § 16–103(c)(2) of this
34 subtitle;

1 (2) Satisfies the learner's instructional permit requirements under §
2 16-105(d)(2), **(3), OR (4)** of this subtitle;

3 (3) Passes a driver skills or driver road examination administered
4 under this subtitle;

5 (4) Surrenders any learner's instructional permit issued to the
6 applicant; and

7 (5) Pays the fee established under this subtitle.

8 ~~16-505.~~

9 ~~(a) The Administration shall, in consultation with the State Department of~~
10 ~~Education, adopt and enforce regulations not inconsistent with this subtitle to~~
11 ~~implement a standardized driver education program conducted by driver education~~
12 ~~schools under its jurisdiction.~~

13 ~~(b) Regulations adopted under this section shall be administered by the~~
14 ~~Administration and shall include:~~

15 ~~(1) Curriculum, equipment, and facility standards for classroom,~~
16 ~~laboratory, and on road instruction phases;~~

17 ~~(2) CURRICULUM, EQUIPMENT, AND STANDARDS FOR AN~~
18 ~~INTERNET DRIVER EDUCATION PROGRAM THAT A PERSON MAY TAKE WITHIN A~~
19 ~~FLEXIBLE TIME PERIOD AS DETERMINED BY THE PERSON;~~

20 ~~(3) Minimum student performance standards for an approved driver~~
21 ~~education program based upon the standardized curriculum approved by the~~
22 ~~Administration, consisting of at least 30 hours of classroom instruction and at least 6~~
23 ~~hours of highway driving instruction;~~

24 ~~[(3)] (4) Standards for the certification of schools and instructors;~~

25 ~~[(4)] (5) A system to evaluate the effectiveness of the driver~~
26 ~~education program;~~

27 ~~[(5)] (6) Standards governing the required offering of the driver~~
28 ~~education program, based on the capacity, enrollment, staff, and facilities of the~~
29 ~~schools; and~~

30 ~~[(6)] (7) Standards for the eligibility of individuals to enroll in the~~
31 ~~program.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.